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Eugene Wells

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EUGENE WELLS.

MARCH 25, 1892.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HULL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 6966.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6966) authorizing the restoration of Eugene Wells, late captain Twelfth United States Infantry, and more recently second lieutenant of First Artillery, to the rolls of the Army, and providing that he be placed on the list of retired officers as second lieutenant, have considered the same and beg leave to report:

A bill authorizing the restoration of the name of Eugene Wells to the rolls of the Army as second lieutenant of artillery was before the Forty-seventh Congress, and Mr. Cockrell, of the Senate, from the Committee on Military Affairs, submitted the annexed report, which is adopted by this committee.

[Senate Report, Forty-seventh Congress.]

The Committee on Military Affairs, to whom was referred the bill (S. 416) for the relief of Eugene Wells, have duly considered the same and submit the following report:

Eugene Wells was appointed a first lieutenant Twelfth U. S. Infantry, May 14, 1861, and was promoted to captain September 9, 1863. He was transferred to the Thirtieth U. S. Infantry Regiment September 21, 1866, and was afterward transferred to the Fourth U. S. Infantry Regiment, March 23, 1869. Under the act of July 15, 1870, he was, at his own request, honorably discharged the service.

On July 6, 1875, he was appointed a second lieutenant First U. S. Artillery Regiment, and joined his regiment September 23, 1875, and served with it until October 13, 1877, when he was dismissed the service by the sentence of a court-martial, approved by the President. The charges were "drunkenness on duty" and "conduct to the prejudice of good order and military discipline." The evidence is conflicting, and all the members of the court-martial accompanied their proceedings with the following strong recommendation:

GENERAL COURT-MARTIAL ROOMS,
Wilkesbarre, Pa., September 4, 1877.

We, the undersigned, members of the general court-martial in the case of Lieut. Eugene Wells, First Artillery, do hereby unite in recommending the accused to the clemency of the reviewing authority.

WM. SINCLAIR, *Captain, Third Artillery.*

A. M. MILLER, *Captain, Corps of Engineers.*

GEORGE A. THURSTON, *First Lieutenant, Third Artillery.*

CHAS. HUMPHREYS, *Second Lieutenant, Third Artillery.*

JOHN R. WILLIAMS, *Second Lieutenant, Third Artillery.*

HERMAN DOWD, *Second Lieutenant, Third Artillery.*

W. M. DUNN,

Judge-Advocate-General.

(Official copy.)

The President did not know of the recommendation for clemency when he approved the sentence. This is about the only case where such a unanimous recommendation by all the members of the court-martial was totally overlooked, and was, therefore, wholly disregarded.

The substitute proposed for the bill simply permits the President to appoint Mr. Wells to the grade he held on date of dismissal without any (back) pay or emoluments. Believing this an exceptional case, your committee recommend the passage of the substitute herewith reported.

That on March 30, 1882, in the Senate of the United States, the said report and bill (Senate bill No. 416, first session Forty-seventh Congress) was considered and passed, permitting the President to appoint him to his former position as second lieutenant in the Army. While the bill was being considered the following statement of facts was made by Senators Vest and Cockrell:

"Mr. VEST. Mr. President, I have nothing to say in defense of the practice, I may term it, which has grown up in the Senate, of commuting to a certain extent the judgments of courts-martial in cases like the present. I appreciate to the fullest extent the objection made by the Senator from Ohio (Mr. Sherman); but, sir, this is an exceptional case. The evidence in the case, if the Senator from Ohio will take the trouble to examine it, shows that the judgment of the court-martial itself was based upon the very flimsiest sort of testimony, and was rendered with so much doubt by the officers composing the court that they afterwards sent to the Secretary of War and to the President the following recommendation."

(Here follows the unanimous recommendation of the court-martial.)

"I shall not undertake to go into the testimony in detail, nor to read to the Senate the testimonials in regard to this officer's gallantry and his high character as a military man during the war. I assert, however, that the evidence shows that the judgment was rendered with the greatest hesitation and reluctance by the court, and, as I have already read, he was recommended to the clemency of the Executive, and the case has stood thus from that day to this. * * *

"His connections in the State of Missouri are of such character that I may safely say that his name, his family, the prestige that comes from birth and association and education, indicate that if guilty of this offense—I say if guilty, because the evidence is not at all conclusive—it was an indiscretion and not a habit.

"Under the circumstances, the refusal of Congress to permit the Executive, upon the recommendation of the court-martial, to remove this stain from the life of a young man who was a gallant soldier, and who has been an exemplary citizen since he lost his rank in the Army, would be extreme cruelty; and that, too, after Congress has in so many cases, not half as strong, not one-fourth as strong, by a unanimous vote, restored gentlemen to their rank in the service when the proof was clear and conclusive against them.

"Mr. COCKRELL. This bill is carefully guarded as amended by the committee. It does not place Lieut. Wells back in the place he would have occupied, but it puts him in the same relative grade that he did occupy at the time he was dismissed. The unanimous recommendation of the court-martial, had it been known to the President, would have received his favorable sanction, and the sentence would not have been approved. There is conclusive evidence of that."

There was also a favorable report on a similar bill by Mr. Morgan from the Committee on Military Affairs, House of Representatives, first session Forty-eighth Congress.

Your committee find that during the late war he served with his regiment in the Fifth Corps, Army of the Potomac, under Generals McClellan, Pope, Burnside, Meade, and Grant, and participated in the battles of Manassas, Antietam, Fredericksburg, siege of Petersburg, etc.

Your committee also find that he was in command of his regiment, Twelfth U. S. Infantry, and brought it out of the field at the close of its service with the Army of the Potomac, and that in 1866 the Third Battalion of the Twelfth Infantry (of which he was a captain) was made the Thirtieth U. S. Infantry, and about December of that year, in consequence of the Fetterman massacre at Fort Phil Kearney, Wyoming Territory, it was ordered into the heart of the Indian country, and he remained there with it until October, 1870, and that under the act of July 15, 1870, he was, at his own urgent request, honorably discharged from the service.

On July 6, 1875, he was appointed by President Grant second lieutenant First U. S. Artillery, and served with it until October, 1877.

Under the Articles of War the sentence by the court to dismissal was mandatory, and with what reluctance it was rendered was shown by their unanimous recommendation to the President for clemency.

President Hayes did not see and was not aware of the recommendation to his clemency when he approved the findings of said court-martial, and had he been aware of such recommendation he would not have approved the sentence. (See statement of Senator Cockrell above quoted.)

During the long period of his service in the U. S. Army, covering the entire existence of the late war of the rebellion and the frontier service which succeeded it, he has always borne himself as an officer devoted to his duties, strictly subordinate to his superiors, and a brave and gallant soldier in battle, as is abundantly attested by the following testimonials of officers under whom he served:

JANUARY 30, 1869.

SIR: Capt. Eugene Wells, Thirtieth U. S. Infantry, of St. Louis, Mo., is fully qualified to command a regiment. He served with distinction in many of the principal battles of the war under Gens. Grant, McClellan, Burnside, and Pope. His numerous friends in St. Louis ask for him merely the brevets of major, lieutenant-colonel, and colonel. If any man has earned them he has.

Very respectfully, your obedient servant,

MORGAN L. SMITH,
Late Commanding Division U. S. Volunteers.

I cordially concur in the above recommendation.

H. W. SLOCUM,
Late Major-General.

I trust that Capt. Wells may receive these brevets, which are justly due him.

DANIEL BUTTERFIELD,
Brevet Major-General, U. S. A.

BURLINGTON, VT., January 30, 1869.

SIR: I take this occasion to call your attention to Capt. Eugene Wells, formerly of the Twelfth United States Infantry, now of the Thirtieth. Capt. Wells served with his regiment in the field a large portion of the time during our late rebellion, and with honor to himself and credit to his country. I am informed that he desires to have his services recognized in the way of brevet promotions, and I have the pleasure most cheerfully to recommend him as in every way worthy and deserving of this consideration.

I always found Capt. Wells agreeable and gentlemanlike in all his intercourse; in the Army, respectful and obedient to superiors, kind and considerate to those who were under him, attending to their many and various wants with willingness and dispatch.

I am, very respectfully, your obedient servant,

GEORGE J. STANNARD,
Late B. M. G., U. S. A.

This officer is known to me; was under my command for a short time. I am not well acquainted with his service in detail, but am satisfied from my own knowledge that Gen. Stannard's recommendation is correct. I know Gen. Stannard well, and his statement would be considered as conclusive evidence by me.

Respectfully,

WINFIELD S. HANCOCK,
Major-General, U. S. A.

WASHINGTON, D. C., December 9, 1874.

I take pleasure in stating that Capt. Wells, late of the Fourth United States Infantry, served under my command, and was in deportment a gentleman, and one of the most efficient officers in the regiment at that time, in my estimation, and my social and official intercourse with him was of the most pleasant character.

His company was then, and is now, the best in the Fourth Infantry.

ALEX. CHAMBERS,
Major Fourth Infantry.

NEW YORK CITY, April 12, 1877.

Lieut. EUGENE WELLS,
First United States Artillery:

SIR: Learning that you are an applicant for promotion in one of the staff corps, it gives me much pleasure to testify to your worth and value as an officer. You were for more than a year serving at the same post, or in the same camp, as myself, generally directly under my command.

Your company was one of the best in the regiment, being always in a high state of discipline.

In all cases a good company evidences a good captain, and I am happy to add to that evidence my own official and personal knowledge of your efficiency as an officer.

Yours, very respectfully,

RICHARD I. DODGE,
Lieutenant-Colonel Twenty-third Infantry.

W. M. DUNN,
Judge-Advocate-General.
(Official copy.)

WASHINGTON, D. C., March 11, 1892.

I served with Eugene Wells, late captain Twelfth Infantry, at Fort Hamilton, N. Y., during the organization of the regiment in 1861, and in the field during the spring of 1863. I considered him an efficient officer, courteous and gentlemanly in his deportment.

RICHD. D. PARKER,
Capt. and Bvt. Maj. U. S. Army (retired).

During his service, as above stated, from May 14, 1861, to October 27, 1870, he contracted disabilities (chronic rheumatism, hypertrophy of heart, and bronchial catarrh) which disable him from performance of any manual labor, and therefore render him incapable of active service in the Army or of following successfully active business pursuits, which is proven by the reports of boards of United States medical examiners, held at Washington, D. C., on November 30, 1888, September 23, 1890, and December 9, 1891, and action thereon by the board of review, United States Pension Bureau. The medical records of the War Department show that at the time he left the service, October, 1877, he was being treated by the post surgeon for chronic rheumatism.

Your committee do therefore recommend the passage of the bill as a meritorious one and an act of justice to a brave and gallant soldier who has given the best years of his life to his country.

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